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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,159	12/05/2001	Richard C. Van Hall	02890041AA	2291

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EXAMINER

LE, BRIAN Q

ART UNIT PAPER NUMBER

2624

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/002,159	VAN HALL, RICHARD C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian Q. Le	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-21 and 35 is/are allowed.
- 6) ☒ Claim(s) 1-16, 22-34 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment and Arguments**

1. Applicant's amendment filed May 12, 2006, has been entered and made of record.
2. Claims 25 and 29 were rejected under 35 U.S.C. 101 directed to non-statutory subject matter are withdrawn.
3. Applicant's arguments with regard to claims 1-8, 11-13, 16 and 22-29 have been fully considered, but are not considered persuasive because of the following reasons:

Regarding claims 1, 22, 24 and 25, the Applicant argues (page 12) that the combination of Iizuka et al. (U.S. Patent No. 5,485,561) and Halmann et al. (U.S. Patent No. 6,526,163) does not teach the limitation of "wherein the common framework provides that different recognition AOI systems, each using its own set of conventions for describing area information, are compatible with one another." The Examiner respectfully disagrees. Halmann teaches a common framework (a computer system) consisting of different tasks to be able to recognize the region of the sector scan e.g. one quadrant (this can be interpreted as different recognition area of interest systems) based on Doppler information of the area/quadrant (this can be clearly read as set of conventions for describing area information). Also, since this processing of tasks works in conjunction with one another; thus, they are compatible with one another. The Applicant seems to expect the Examiner to narrow the scope of the limitation even though the Applicant has broadly claimed the invention. To further assist the Applicant with the guidance with claim language interpretations so that the Applicant can add further/more details limitations from the specification to the claims to overcome the prior arts, the Examiner is presenting MPEP, section 2111, Claim Interpretation; Broadest Reasonable Interpretation as follows: "The court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly

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recited in the claim, is a quite different thing from reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." The court found that applicant was advocating the latter, i.e., the impermissible importation of subject matter from the specification into the claim.). See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.")").

For Remarks of claims 3, 5, 7, 11, 12, 13, 16, 23, 26, 27, 28, 29 (page 14-15 of the Remarks), the Examiner has explained of the rejections (previous Office Actions). If the Applicant believes that the prior arts do not teach a certain limitation, please further elaborate of the reason in order for the Examiner to consider further. Without an explanation of why the Applicant believes that the prior arts do not teach these claims, the Examiner cannot further consider and do not understand the Applicant's point of view.

Thus, the rejections of all of the claims are maintained.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 11-13, 16 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Iizuka et al. U.S. Patent No. 5,485,561 and Halmann et al. U.S. Patent No. 6,526,163.

As to claim 1, Iizuka discloses a method for communicating area information in a common framework implemented on hardware (FIG. 10), comprising the steps of:

providing to the hardware a first set of instructions (expression defines relation) which generates an area of interest (AOI) defined by a first geometric shape (region of interest is drawn according to common and shape variables) (abstract);

defining with the hardware the first geometric shape by one or more coordinates (FIG. 4; FIG. 5 and FIG. 6);

converting with the hardware the one or more coordinates to a second set of coordinates for use with a second set of instructions different than the first set of instructions, wherein the second set of coordinates is defined by a new AOI which includes information associated with the first set of instructions and which is interpreted by the second set of instructions (second region of interest is calculated by the common variables of the first region of interest).

Iizuka does not explicitly teach the concept of “wherein the common framework provides that different recognition AOI systems, each using its own set of conventions for describing area

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information, is compatible with one another. Halmann further teaches a method of communicating area information on a hardware (ultrasound system) wherein the common framework provides that different recognition AOI systems (different/multiple processors operate differently to from area of interest), each using its own set of conventions for describing area information, is compatible with one another (abstract and FIG. element 302). Modifying Iizuka's method for communicating area information according to Halmann would be able to utilize different processors/systems for parallel processing to maximize the processor usage and operating systems efficiently (column 2, lines 40-65). This would improve processing and therefore, it would have been obvious to one of ordinary skill in the art to modify Iizuka according to Halmann.

As to claim 2, Iizuka discloses the method of claim 1, wherein the new AOI associated with second set of instructions define a second geometric shape (abstract).

Regarding claims 3 and 4, Iizuka teaches inherently accounts for the first and second geometric shapes to be both the same and different (FIG. 2).

As to claim 5, Iizuka teaches that the first geometric shape is more constrained than the second geometric shape. (the process of draw and redrawn to generate more constrained geometric shape).

Regarding claim 6, Iizuka discloses wherein the first and the second geometric shape is one of a bounding box, a parallelogram, a rectangle and a polygon (square) (FIG. 2).

With regard to claim 7, Iizuka discloses the method of claim 6, wherein the bounding box is more constrained than the parallelogram, the rectangle and the polygon. Note that claim 6 presents a number of shapes in the alternative, wherein the Examiner has chosen one of them,

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namely the polygon. In this case, claim 7 merely further defines one of the alternatives that were not chosen, and therefore claim 7 is properly rejected on the basis of the rejection of claim 6.

Regarding claim 8, Iizuka discloses the method of claim 2, wherein the one or more coordinates and the second set of coordinates are at least one point which defines the first geometric shape and the second geometric shape, respectively (FIG. 2 and FIG. 3).

As to claim 11, Iizuka discloses the method further comprising the step of translating the second geometric shape by a predetermined amount compared to the first geometric shape (shifting geometric shape) (FIG. 13, S10).

As to claim 12, Iizuka discloses the method of claim 2, further comprising the step of scaling (enlarge) the second geometric shape by a predetermined amount compared to the first geometric shape (FIG. 12, "3:Enlarge").

As to claim 13, Iizuka discloses the method of claim 12, wherein the step of scaling is performed in at least one of a vertical (Y) and horizontal direction (X) (since the coordinate system is Cartesian, e.g., X, Y coordinates, any scaling would occur in one of the two directions).

Regarding claim 16, Iizuka discloses the method of claim 2, wherein the step of defining the first geometric shape includes the steps of determining whether the first geometric shape includes one of: (i) at least three points; (ii) a distinct starting point, fast end point and a slow end point; (iii) a non-zero distance between a starting point and a fast end point; and (iv) a non zero area (any polygon/square having more than three points would be determined, column 9, lines 41-48; also, any polygon/square that is not a point or line, would have a non zero area).

With regard to claim 22, please refer back to claim 1 for the teaching and explanation.

Regarding claim 23, following the same line of reasoning as for claim 3 and claim 5, the second AOI space is the same shape or is more constrained than the initial AOI space.

Claim 24 is drawn to a system which corresponds to the method of claim 1. The discussion applied above for claim 1 is applicable to claim 24. The system is shown, for example, in Fig.10 of Iizuka. Additionally, Iizuka's method is intended to run on a computer, hardware, or a combination of hardware and software (Fig. 10).

Claim 25 is drawn to a machine readable medium which corresponds to claim 1. The discussion applied above for claim 1 is applicable to claim 25. Iizuka's method is intended to run on a computer, or a combination of hardware and software (Fig. 10). In the computer or software, the machine readable medium containing code is inherent.

For claims 26-29, Iizuka discloses a method wherein the new AOI defines a bounded area shape and wherein, after the converting, the first geometric shape is bounded or constrained by the bounded area shape (abstract).

For claims 30-33, please refer back to the combination teachings of both claims 2 and 6 for further explanations.

6. Claims 9, 10, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Iizuka et al. U.S. Patent No. 5,485,561 and Halmann et al. U.S. Patent No. 6,526,163, applied to claim 2 above, and further in view of Wang U.S. Patent No. 4,701,752.

Regarding claim 9, Iizuka does not explicitly teach the method further comprising the step of rotating the second geometric shape by a predetermined amount compared to the first geometric shape. Wang further teaches a method of further process an image processing wherein



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the generated mirror image (second image) is rotated by a predetermined amount (according to the pointing cursor position) (abstract and FIG. 7, element 34). Modifying Iizuka's method of communicating area information according to Wang would be able to rotate the images for further processing. This would improve processing and therefore, it would have been obvious to one of ordinary skill in the art to modify Iizuka according to Wang.

Regarding claim 10, Wang further teaches the method wherein the step of rotating is performed at an origin (at an axis) (column 4, lines 1-10). In addition, to utilize a specific axis of rotation is considered an arbitrary decision, up to the desires of the user or designer, and thus is not considered a patentable distinction.

As to claim 14, Wang discloses mirroring points of a second geometric shape compared to a first (Figs. 2 and 3). The mirroring occurs about the horizontal axis. Wang states that mirroring can advantageously provide a dramatic effect on displayed graphics (column 1, lines 33-36).

Regarding claim 15, Wang further discloses the method of claim 2, further comprising the step of orienting the second geometric shape differently than the first geometric shape (when rotating, column 6, lines 45-47, the second shape would be oriented differently than the first).

7. Claims 34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Iizuka et al. U.S. Patent No. 5,485,561 and Halmann et al. U.S. Patent No. 6,526,163, applied to claim 2 above, and further in view of Navon U.S. Patent No. 6,729,544.

Regarding claim 34, Iizuka does not explicitly teach that the method of processing area of interest as claimed in claim 1 can be utilized in a mail sorting system. Navon further teaches a method of processing image wherein processing region of interest (ROI/AOI) for a mail/sorting processing system (abstract; column 1, lines 55-65; column 2, lines 15-20). Modifying Iizuka's method of communicating area information according to Navon would be able to apply the processing of ROI/AOI into mail/parcel processing system. This would improve the parcel/mail processing system by providing the ability to target the exact region of barcode to recognize the address/location of the package (column 1, lines 60-67) and therefore, it would have been obvious to one of the ordinary skill in the art to modify Iizuka according to Navon.

For claims 36-38, please refer back to the teachings and explanations of claim 34.

*Allowable Subject Matter*

8. Claims 17-21, and 35 are allowed.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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**Contact Information**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BL  
July 17, 2006

JINGGE WU  
PRIMARY EXAMINER



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